

1 Name: Stefan Kasain

2 Address: PO Box 3656, Sedona, AZ 86336

3 Telephone Phone:

4 Email:

5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10  
11 Stefan Kasain

Case No.: **CV22-08191-PCT-DJH**  
(assigned at time of filing)

12  
13 ,  
14 Plaintiff(s),

**COMPLAINT**

15 v.

16 David Floyer, Dianova Foundation, d.b.a.  
17 DiaNova Institute, et al.

18 ,  
19 Defendant(s).

20 **I. RELATED CASES**

21 a. Do you have other Civil Case(s) in this or any other federal court?

22 ☐ Yes ☒ No

23 b. If yes, please list the case numbers here:

24  
25 **II. STATEMENT OF CLAIM** (*Briefly state the facts of your case. Describe how*  
26 *each defendant is involved, and tell what each defendant did to you that caused*  
27 *you to file this suit against them. Include names of any other persons involved,*  
28 *dates, and places.*)

1 Defendant(s) David Floyer is acting with unclean hands and in bad faith personally and as  
2 President of Dianova Foundation d/b/a/ Dianova Institute, whose approval to operate has been  
3 revoked by BPPE Aug 10, 2022 for noncompliance and unlawful acts (see Case No. 1006317,  
4 [https://www.bppe.ca.gov/enforcement/actions/dianova\\_institute\\_dec\\_ord.pdf](https://www.bppe.ca.gov/enforcement/actions/dianova_institute_dec_ord.pdf)). Dianova  
5 Foundation is the alter ego of David Floyer, who serves as sole main operator of this religious  
6 organization intended to assist vulnerable, traumatized segments of the public.  
7

8 Plaintiff performed work in good faith for Defendant(s) and had been anticipating payment  
9 as promised plus reimbursement of bona fide receipts for expenses incurred for performing  
10 work for Defendant(s).

11 On or around June 1, 2022, Plaintiff mailed to Defendant(s) a Request for Reasonable  
12 Accommodation under Americans with Disabilities Act (ADA) containing pertinent, sensitive,  
13 and confidential health disclosure. This accommodation included a request for written  
14 communication instead of a verbal mode to aid in processing of salient work questions and  
15 issues.  
16

17 In response to the ADA request, on June 8, 2022, the Defendant(s) acknowledged Plaintiff's  
18 communication and that they will be sending Plaintiff an email-- which Defendant(s) sent to  
19 Plaintiff on July 20, 2022 in which Defendant(s) erred in the following:

20 (a) Defendant ignored Plaintiff's ADA request by failing and refusing to make any  
21 accommodation. (b) Instead, Defendant(s) acknowledged Plaintiff's health disclosure, and  
22 terminated Plaintiff as a direct consequence.  
23

24 (c) Defendant(s) further stated that while singling out Plaintiff for termination and his services  
25 no longer needed they made it a point to state that they shall keep Linda and Angeli on the job.  
26 To add insult to injury, on or around September 15, 2022, Kurt, a staffer, stated that  
27 Defendant(s) instructed him to relay to Plaintiff that "his services were no longer needed".  
28

1 (d) Defendant(s) stated they will pay Plaintiff for work performed. Yet, to date, Defendant(s)  
2 have failed and refused to do so and are acting in bad faith.

3 (e) Consequently Defendant's are now delinquent and well over thirty (30) days late by not  
4 paying Plaintiff, in violation of California Private Postsecondary Education Act of 2009 Sec.  
5 71745 which states an institution, to qualify to operate, must have the capability to pay its  
6 expenses within thirty (30) days (See <https://www.bppe.ca.gov/lawsregs/regs.pdf>).  
7

8 Defendant(s) bad faith "position power" tactics are discriminatory and retaliatory because:

9 (f) Defendant(s) singled out Plaintiff for nonpayment while paying the other staff on time, and  
10 not over thirty (30) days late,

11 (g) Defendant(s) singled out Plaintiff for termination while retaining the other staff, and

12 (h) Defendant(s) engaged in these predatory tactics (f) and (g) directly AFTER Plaintiff  
13 confided to Defendant(s) his confidential ADA request for accommodation.  
14

15 Further, continuing to advertise in bad faith as of 9/30/2022 the now prohibited curriculum/  
16 course catalog on DianovaInstitute.org, (See [http://www.dianovainstitute.org/wp-](http://www.dianovainstitute.org/wp-content/uploads/2020/03/DIANOVA-CATALOG-2.21.20_New.pdf)  
17 [content/uploads/2020/03/DIANOVA-CATALOG-2.21.20\\_New.pdf](http://www.dianovainstitute.org/wp-content/uploads/2020/03/DIANOVA-CATALOG-2.21.20_New.pdf) and  
18 [www.dianovainstitute.org/online-classes](http://www.dianovainstitute.org/online-classes), reselling Plaintiff's intellectual property exploitatively  
19 and for Defendant(s) unjust enrichment, without any agreed upon compensation to Plaintiff)--  
20 and doing so AFTER Defendant(s) privileges were revoked Aug 10, 2022. Defendant(s)  
21 misuse their authority through nondisclosure and denial of fully informed consent to others;  
22 Defendant(s) fail and refuse to protect Plaintiff, a protected class, from liability exposure via  
23 association with Defendant(s) unlawful acts, including the surreptitious operation of its revoked  
24 business, which exposes potential students, Plaintiff, and vulnerable segments of the public to  
25 harm.  
26  
27  
28

**III. RELIEF YOU REQUEST** (*State exactly what you want the court to do for you. Do not use this space to state the facts of your claim.*)

1. Award damages to Plaintiff for Defendant(s)' ADA noncompliance and violations, Seventy Five Thousand Dollars (\$75,000.00) in accordance with prevailing penalties. (Authority: [https://www.ada.gov/civil\\_penalties\\_2014.htm](https://www.ada.gov/civil_penalties_2014.htm))

2. Enforce any and all actions necessary upon Defendants to achieve full ADA compliance including but not limited to modifications, such as written and clearly posted policies to safeguard the rights of vulnerable groups and protected classes in order to assure they receive equal treatment.

3. Treble and punitive damages to Plaintiff because the Defendant(s)' actions were intentional, retaliatory, and deliberately intended to cause harm and suffering to Plaintiff, e.g. singling out Plaintiff by promising payment for work performed yet purposely, after receiving his ADA request, continuing to withhold remuneration from Plaintiff to date, while simultaneously paying all other staff in a timely fashion.

4. Reimbursement to Plaintiff, for filing and legal fees, paralegal document processing fees, attorneys fees, collection fees, accrued penalties, as applicable.

5. Plus any other relief that the Court deems just and proper.

**IV. DEMAND FOR JURY TRIAL** (*Would you like a trial by jury on all claims pursuant to FRCP, Rule 38?*)

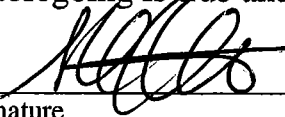
☒ Yes      ☐ No

I declare under penalty of perjury that the foregoing is true and correct.

Date

30 Sept 2022

Signature



Printed Name

Stefani Karai

**Plaintiff's ADA  
Disability  
Placard**



***ADOT***  
Motor Vehicle Division



**1E2288**

